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REMARKS

Claims 1-31, 33-37, 39-43 and 46-57 were presented for examination, and rejected under 35 U.S.C. §103(a) over Casey in view of Ylonen, further in view of Mauger. Claims 1, 10, 19, 28, 34, 40, 46, 50, 53 and 57 are currently amended. Claims 5, 14, 23 and 39 are cancelled by this amendment. Reconsideration is respectfully requested.

The presently claimed invention distinguishes the cited combination because an identifier is set in a non-label switching header that encapsulates a label switching packet having a label stack. Although this distinguishing feature is added to the independent claims by way of this amendment, it was previously recited in dependent claims. For example, claim 5 recited such an identifier. The Office indicated that Mauger teaches such an identifier in Fig. 2 or col. 4, line 26 through col. 5, line 10. Applicant respectfully traverses. The cited passage of Mauger teaches an indicator in an MPLS packet. In contrast, the presently claimed invention recites an indicator in a non-label switched protocol header of a non-label switched protocol packet. One practical implication of this difference is that the Mauger packet would not traverse the non-MPLS segment, whereas the claimed packet can do so. Since this distinguishing limitation is recited in each of the independent claims, and the dependent claims further distinguish those claims, withdrawal of the rejections of the remaining claims is requested.

As stated above, the distinguishing limitation now recited in each of the independent claims was previously recited in at least some of the dependent claims. Applicant therefore submits that no new search is required.

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Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Holmes W. Anderson, Applicants' Attorney at 978-264-6664 (ext. 305) so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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